GENERAL AND REVENUE SECRETARIAT.

1905

(Courts.)

File No. 62

Serial Nos: ~~1 to 3~~. 4 to 5

Papers Filed.

Month October 1905

SUBJECT.

Liability of Palace stipends to attachment for decrees.

PREVIOUS REFERENCES.	LATER REFERENCES.
Same file, Sl: nos 1 to 3, R-9-05.	

G. R. S. 59.

G. R. S. 111. 1905-06

GENERAL AND REVENUE SECRETARIAT

(Courts.)

NOTES.

File. No 62

FILE HEADING.

Liability of Palace stipends to attachment for decrees.

From

The Revenue Commissioner in Mysore.

No. 3013. Dated 22-9-05 Received 25-9-05.

Diary No. 1758	Enclos. 4.	Spare Copies.	Serial No. 4

BRIEF ABSTRACT OF LETTER.

Forwards for orders the Mysore Dy Comnr's letter No. 303, d/6-9-05 submitting copies of correspondence that passed between himself and the Dt. Judge of Mysore re: the attachment of the Palace pension of Mr. C. Devaraj Urs, Asst. Comnr, Hunsur Dn.

NOTES AND ORDERS.

Perhaps a copy of the order recently passed on appl. be forwarded to the Rev. Comr for the Dy Comr's informn. Submitted with a draft for approval & thereafter

J. K. S. 26-9-05. R. R. 26-9-05.

Secy (Sd) K. S. C. 27-9-05.

Passed. (Sd) B. K. V. 27-9-05

NOTES—First sheet.

MGCPB—30,000—17-2-05.

G.R.S. 12]

General and Revenue Secretariat.

File No. 62 of 1905-06

Serial No.	
5.	No. 1004, dated 2nd October 1905, to the Rev: Commr. in Mysore.
	Forwards, for the information of the Dy Commr. a copy of Govt. Pro: No. J 737-8, d/7-9-05, (Sl. no. 3.) exempting allowances from attachment as being of the nature of political pensions.

NOTE.—Contn. sheet.

Hero / The Revenue Commissioner
in Mysore

~~189~~ 1905 } 758

From H. H. Sparkes Esq
Deputy Commissioner
Mysore District

To B. K. Venkatavaradangar
Secretary to the Court of
Mysore Genl & Rev Departts

Dated 6/9 September 1905.

Despatched

Received

General No. 303
No.

THE OFFICE OF THE REVENUE COMMISSIONER
NO 2064
SEP. 11. 1905
BANGALORE.
IN MYSORE

Enclosure No. 4

Submits for orders copies of communications from & to District Judge re the service of a notice upon Mr C Devaraj, Hon Asst Comr Shimoga &c.

Office of the Rev Comr
in Mysore.

File No 62-05
Sl: no. 4

Memo 758

No 3013 dated 22/23 Sep 05.

III
Rule
24-9-05

(Courts)
25.9.05
Forwarded.

Elavanandappa

for Revenue Commr

(Thro the Rev Commissioner)

No 303
Ee 4

Deputy Commissioners Office
Mysore District, Dated the
6th September 1905

To

B. K. Venkatavarada Iyengar Esqre
Secretary to the Government of Mysore
General and Revenue Departments
Bangalore.

Sir,

In submitting herewith for reference copies of correspondence ending with this office letter no 682 of the 5th September 1905 to the address of the District Judge, Mysore, I have the honor to state that a notice in duplicate in Civil Mis no 13 of 1905-1906 on the file of the principal Munsiff of Mysore was sent to me for service upon the judgment debtor (M. C. Devaraj Urs Assistant Commissioner), but, as the pay viz Rs 26, mentioned therein as due to M. C. Devaraj Urs per mensem from the Palace, was found not liable to be attached under

under clause (g) of section 266 of the Civil Procedure Code, the attention of the Munsiff was invited, and which led to the correspondence now under reference. The District Judge says that, without a special declaration by the Government, he is unable to concur with me in thinking the the political pension in question is not liable to attachment. As I am still doubtful upon this matter, I beg to submit the matter for favour of Government decision for future guidance. The original notice has, however, been served upon Mr. C. Devaraj Urs and returned to the District Judge.

I have the honor to be,
Sir,
your most obedient servant

[illegible]
Deputy Commissioner
Mysore District

905 —
~~189~~

From

H. A. Sparkes. Esquire
Deputy Commissioner
Allapore Distt.

To

M. Ramaswamiah Esqr.
B.A. B.L.
District Judge Allapore

Dated 5th September 1905 —

Despatched

Received

General No. 682.
No.

Enclosure No. 1.

Sir,

In reply to your letter no: 532/61 of the 29th August 1905, I have the honor to return herewith the original notice duly served upon the judgment-debtor (Mr: C. Divaraj urs) in his no: 13 of 1905: of on the file of the Principal Munsif of Allapore and to state that as I am still

still doubtful on the legal point referred to in the above, the matter will be submitted to Government for decision.

I have the honor to be,
Sir
Your most obedient servt.
(Sd). H. H. Sparkes
Deputy Commissioner
Mupore Distt.

"Copy"

H H Sparkes
Deputy Commissioner
Mupore District

From
M. Ramaswami Iyer Esqre
B.A. B.L.
District Judge Mysore

To The Deputy Commissioner
Mysore District

Dated 29 August 1905

Despatched

Received

General No. 532
No. 61

Enclosure No.

Sir,

With reference to your letter no. 597 dated 25/26 instant, I have the honor to state that I cannot understand upon what authority you assert that the allowance in question is a political pension. I know that under section 11 of the Pensions Act, pensions granted by the Court of Mysore on political considerations are not liable to seizure attachment or sequestration

at

at the instance of a creditor. I have to repeat again what I stated in my previous letter that without a special declaration by the Government, I am unable to concur with you. I would therefore request you to reconsider the matter once more and to have the kindness to serve the notice upon the judgment-debtor who is your subordinate at your earliest possible convenience and return it to this Court.

I have the honor to be,
Sir,
your most obedient servant.
signed/ B. Ramaswami Iyer
District Judge

"Copy"

[illegible signature]
Dy Commissioner
for Mysore District

189 5

From The Dy Commissioner Mysore District

To The District Judge Mysore District

Dated 22nd } August 05
Despatched 26

Received

General No. 597.
No.

Enclosure No.

Sir,

With reference to your letter No 409/48 of 18th idem, forwarding for service on Mr C Devarajlos, Assistant Commr in charge of the Hunsur Division, prohibitory notice (in duplicate) for the attachment of his monthly allowance of Rs 26/- from the palace, I have the honor to state that this is evidently a political pension falling under ~~[illegible]~~ Clause 4 of section 266 Civil Procedure Code

Code, and as such not liable to attachment.

2. The Enclosures of his letter under reference are returned herewith.

I have the honor to be,
Sir,
Your most obedient servant

Signed/ H. H. Sparkes
Dy Commissioner.

"Copy"

H H Sparkes
Dy Commissioner
Mysore District

1905

~~189~~

From
M. Ramaswami Iyer Esqre
B.A. B.L.
District Judge
Mysore Division

To H. H. Cunkes Esqre
Deputy Commissioner
Mysore District

Dated 18 August 1905

Despatched

Received

General No. 409
No. 48

Enclosure No.

Sir,

I have the honor to forward for your perusal and obtaining return in original the letter of the Principal Munsiff, Mysore, with its enclosure in re the attachment of the Palace monthly allowance of Rs 125 of Mr. C. Devaraj Urs and to state that clause 8 of section 266 of the Civil Procedure Code refers only to the salary of a public officer and not to allowance of this kind. Under clause

clause 5 of the said section political pensions are exempted from attachment and it is a question to be determined after investigation whether this allowance is such a pension, while under clause 11 only allowances declared by any law passed by the Government of Mysore are to be exempt from liability to attachment or sale in execution of a decree are exempted. I am not aware of any such law or rule having the force of law. Moreover it is for the judgment debtor to take the objection if any before the Judge who passed the orders. I would therefore request you to be good enough to serve the enclosed notice upon him and return it to this Court.

I have the honor to be,
Sir,
Your most obedt Servant.

signed/ M. Ramaswami Iyer
District Judge
Mysore Division

"Copy"

Attested
Dy Commissioner
for Mysore District

G.R.S. 26]

File No. 62
Serial No. 5

Diary No. of letter replied to _____

No. 1004

General and Rev. Secretariat
(Cantt)
the 190 .

To

The Revenue Commissioner in Mysore.

Date of issue 2-10-05.

Signed by Dy. Secretary

Sir,

With reference to your endorsement No. 3013 of the 22nd Sept 1905 on letter No. 303 of the 6th Idem from the Deputy Commissioner of Mysore, regarding the service of a notice issued by the Principal Munsiff of Mysore on Mr. C. Devaraj Urs, Asst Commr, ~~Hunsur Division~~, for the attachment of the latter's palace allowance of Rs 20/- in satisfaction of a Court decree, I am directed to forward herewith, for the Dy Commissioner's information, a copy of Govt Proc No. J73)-8/C12-3 of the 7th Sept 05, ~~declaring~~ Exempting such allowances ~~as exempt~~ from attachment as being of the nature of political pensions.

I have &c

27/9/05
for Secretary

SUBJECT

26/9/05

26.9.05